

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

DAVID SARRUF,

Plaintiff,

v.

LILLY LONG TERM DISABILITY PLAN &
LILLY LIFE INSURANCE PLAN,

Defendants.

Case No. 2:24-cv-00461-JCC

**DEFENDANTS' STIPULATED
MOTION FOR LEAVE TO FILE
MOTION FOR SUMMARY
JUDGMENT UNDER SEAL AND
[PROPOSED] ORDER**

I. Relied Requested

Pursuant to the Court's Order of February 18, 2025 (Dkt. #41), Defendants The Eli Lilly and Company Long Term Disability Plan (the "LTD Plan")¹ and The Eli Lilly and Company Life Insurance and Death Benefit Plan (the "Life Insurance Plan")² (together, "Defendants") are herewith filing their motion for summary judgment. In connection this filing, Defendants hereby respectfully move the Court pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g) for an order permitting Defendants to file a redacted version of their motion on the public docket and an unredacted version of their motion under seal. Defendants seek leave to

¹ The LTD Plan is incorrectly named in the Complaint as the Lilly Long Term Disability Plan.

² The Life Insurance Plan is incorrectly named in the Complaint as the Lilly Life Insurance Plan.

1 file their motion in redacted form and under seal because the motion extensively references and
2 cites the sealed Administrative Record, which contains Plaintiff's confidential medical records
3 and information.

4 **II. Relevant Facts and Legal Authority.**

5 This action arises under the Employee Retirement Income Security Act of 1974
6 ("ERISA"), 29 U.S.C. § 1001 *et seq.*, and involves a claim for long-term disability benefits. The
7 Administrative Record pertaining to Plaintiff's claim primarily contains Plaintiff's personal
8 medical records and documents discussing Plaintiff's medical information. The Court granted
9 the Parties' Stipulated Motion to file the Administrative Record under seal on April 11, 2025
10 (Dkt. #44). Defendants' motion for summary judgment filed concurrently herewith is replete
11 with references to the confidential Administrative Record, including arguments, discussion, and
12 references to Plaintiff's personal medical records, medical conditions, and other medical-related
13 information.
14

15 Although there is a general presumption of public access to court records, courts in this
16 District have recognized that the need to protect medical privacy constitutes a "compelling
17 reason" sufficient to justify sealing records. *See, e.g., Karpenski v. Am. Gen. Life Cos., LLC*,
18 No. 2:12-CV-01569-RSM, 2013 WL 5588312, at *1 (W.D. Wash. Oct. 9, 2013) (granting
19 motion to seal ERISA administrative record due to medical privacy concerns); *S.L. by & through*
20 *J.L. v. Cross*, 675 F. Supp. 3d 1138, 1146–47 (W.D. Wash. 2023) (same).
21

22 As certified below, the Parties have conferred and agree that filing a redacted version of
23 the motion on the public docket and filing an unredacted copy of the motion under seal is the
24 least restrictive means of protecting Plaintiff's privacy while complying with the Court's filing
25 procedures.
26
27

III. Certification Pursuant to LCR 5(g)(3)(A).

The undersigned counsel for the Parties, Kara P. Wheatley and Glenn R. Kantor, conferred via e-mail on April 22, 2025, regarding the need to file Defendants' motion under seal. The Parties agree that sealing is appropriate and necessary to protect Plaintiff's confidential medical information contained therein.

IV. Conclusion.

For the foregoing reasons, Defendants respectfully request the Court to grant this stipulated motion to file their Motion for Summary Judgment under seal.

Date: April 22, 2025

Respectfully submitted,

THE ELI LILLY AND COMPANY LONG
TERM DISABILITY PLAN AND THE ELI
LILLY AND COMPANY LIFE INSURANCE
AND DEATH BENEFIT PLAN

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Attorneys for Defendants

[PROPOSED] ORDER

THIS MATTER having come before the Court upon DEFENDANTS' STIPULATED MOTION FOR LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT UNDER SEAL (Dkt. No. 47), and the Court having considered the motion and all relevant materials, and finding good cause shown, hereby ORDERS:

1. Defendants' Stipulated Motion for Leave to Motion for Summary Judgment under Seal is GRANTED.

2. Defendants are authorized to file their Motion for Summary Judgment under seal in its entirety, without redaction, and in redacted form on the public docket.

3. Defendants' Motion for Summary Judgment shall remain under seal unless otherwise ordered by the Court.

IT IS SO ORDERED this 22nd day of April 2025.



THE HONORABLE JOHN C. COUGHENOUR
UNITED STATES DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of April, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record who receive CM/ECF notifications.

Dated: April 22, 2025

By: /s/ Douglas F. Stewart
Douglas F. Stewart, WSBA No. 34068